

1 JOHN M. APPELBAUM
Chief of Enforcement
2 AMANDA H. SAXTON
Commission Counsel
3 Fair Political Practices Commission
428 J Street, Suite 620
4 Sacramento, California 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932
6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of

12 CALIFORNIA CAMPAIGN FOR NEW DRUG
13 POLICIES, YES ON PROP. 36 and DAVE
FRATELLO,
14 Respondents.

FPPC No. 02/1059

STIPULATION, DECISION and
ORDER

15
16
17 Complainant Mark Krausse, Executive Director of the Fair Political Practices
18 Commission, and Respondents California Campaign for New Drug Policies, Yes on Prop. 36 and
19 Dave Fratello hereby agree that this stipulation will be submitted for consideration by the Fair
20 Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this stipulation to resolve all factual and legal issues raised
22 in this matter, and to reach a final disposition without the necessity of holding an administrative
23 hearing to determine the liability of Respondents.

24 Respondents understand, and hereby knowingly and voluntarily waive, any and all
25 procedural rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in
26 sections 18361 through 18631.9 of title 2 of the California Code of Regulations. This includes,
27 but is not limited to, the right to personally appear at any administrative hearing held in this
28 matter, to be represented by an attorney at Respondents' own expense, to confront and cross-

1 examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to
2 have an impartial administrative law judge preside over the hearing as a hearing officer, and to
3 have the matter judicially reviewed.

4 It is further stipulated and agreed that Respondents California Campaign for New Drug
5 Policies, Yes on Prop. 36 and Dave Fratello violated the Political Reform Act by failing to report
6 required information regarding expenditures made to sub-vendors, in violation of section 84303
7 of the Government Code (5 Counts); failing to report the total amount of expenditures made
8 during a campaign period as well as the cumulative amount of expenditures made as of the
9 closing date for that reporting period, in violation of section 84211, subdivision (b) of the
10 Government Code (1 Count); and failing to report specific information relating to persons to
11 whom an expenditure of \$100 or more was made in violation of section 84211, subdivision (j) of
12 the Government Code¹ (1 Count); as described in Exhibit 1. Exhibit 1 is attached hereto and
13 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate
14 summary of the facts in this matter.

15 Respondents agree to the issuance of the decision and order, which is attached hereto.
16 Respondents also agree to the Commission imposing upon them an administrative penalty in the
17 amount of Twelve Thousand Dollars (\$12,000). A cashier's check from Respondents in that
18 amount, made payable to the "General Fund of the State of California," is submitted with this
19 stipulation as full payment of the administrative penalty, to be held by the State of California
20 until the Commission issues its decision and order regarding this matter. The parties agree that
21 in the event the Commission refuses to accept this stipulation, it shall become null and void, and
22 within fifteen (15) business days after the Commission meeting at which the stipulation is
23 rejected, all payments tendered by Respondents in connection with this stipulation shall be
24 reimbursed to Respondents. Respondents further stipulate and agree that in the event the
25

26
27 ¹ Section 84211 was amended in 2000, effective January 1, 2001, and some of its subdivisions were re-
28 lettered and re-numbered. The citation to section 84211, subdivision (j) is in reference to that section as it was
lettered and numbered at the time of the violation prior to the amendment.

Commission rejects the stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: _____

Mark Krausse, Executive Director
Fair Political Practices Commission

Dated: _____

Dave Fratello, individually and on behalf of
California Campaign for New Drug Policies,
Yes on Prop. 36, Respondents

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

IT IS SO ORDERED.

Liane M. Randolph, Chairman
Fair Political Practices Commission